

REMARKS

In the Office Action, the Examiner rejected claims 12 - 31 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. The Examiner also rejected claims 26 - 31 under 35 USC § 102(e) as being anticipated by U.S. Patent Number 6,289,223 ("Mukherjee"). The Examiner also rejected claims 12 - 14, 18 - 19, 21/18, 21/19/18, and 23 - 35 under 35 USC § 103(a) as being unpatentable over Mukherjee. The Applicant respectfully traverses each of the Examiner's rejections and submits the following remarks in favor patentability. The Applicant has not amended any claims.

Claims 12 – 17

In claim 12, the Applicant recites a process of allowing direct access for individual subscribers to a digital cellular phone network with existing cell broadcast services. The process includes, among other things, forwarding the cellular broadcast message to a cell broadcast center by means of a process that applies to the cell broadcast center such that the cellular broadcast message is broadcast to subscribers within a defined area of the cell broadcast center. Claim 12 further recites that broadcasting does not define the subscribers as part of a user group.

The Examiner rejected claim 12 stating that the claim contains subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner stated that the prior amendment containing the limitation of broadcasting not defining subscribers as part of a user group has not been described in the specification. The Applicant respectfully disagrees because the application clearly states that broadcasting is being employed. Broadcasting is a fundamental term that has been used in communications for nearly a century. The Applicant merely added the language that broadcasting does not define subscribers as part of a user group in the hope of educating the Examiner with a definition that is already well known to those skilled in the art. The Applicant maintains that those skilled in the art understand the difference between broadcast transmissions and the designated message transmissions of Mukherjee. Clearly, however, the Examiner

does not. The German Patent Office likely understands the difference because they have allowed this case to grant as a German Patent (*see e.g.*, DE199227050 C2, published March 3, 2003).

As stated previously, Mukherjee teaches a process in which a multipoint SMS transmission is executed significantly as a point-to-point SMS transmission once usergroups and identifiers have been defined. *See e.g.*, column 2, lines 18 - 21 of Mukherjee. The broadcast messaging of the Applicant's claims explicitly does not define user groups prior to transmission as Mukherjee teaches, even though such is redundant to those skilled in the art. Since Mukherjee does not teach that which the Applicant claims, claim 12 patentably distinguishes over Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 12. In the alternative, the Applicant respectfully requests a quick Final Office Action because the Applicant will prepare this case for appeal

Claims 13 - 17 depend from independent claim 12 and inherit all of the novel and non obvious features of the independent claim. Accordingly, these claims are also novel and nonobvious in view of Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claims 13 - 17.

Claims 18 - 25

Claim 18 recites a device for allowing direct access for individual subscribers to a digital cellular phone network with existing cell broadcast services. The cellular phones of the subscribers are equipped to exchange point-to-point short messages with a short message center over the cellular phone network, whereby short messages declared cell broadcast messages are forwarded to a cell broadcast center to be broadcast to the subscribers within a defined area of the cell broadcast center. The device includes means of doing at least one of: a test, an adjustment, and a conversion of the point-to-point short message necessary to convert the point-to-point short message into a cellular broadcast message. Claim 18 also recites that broadcasting does not define the subscribers as part of a user group.

As recited in the arguments in favor of patentability for claim 12, Mukherjee only teaches defining subscribers as part of the user group. As is known to those skilled in the

art, broadcasting is different from that which Mukherjee teaches. Since Mukherjee does not teach that which the Applicant claims, claim 18 patentably distinguishes over Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 18.

Claims 19 - 25 depend from independent claim 18 and inherit all of the novel and non obvious features of the independent claim. Accordingly, these claims are also novel and nonobvious in view of Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claims 19 - 25.

Claims 26- 31

In claim 26, the Applicant recites a method of providing a cellular broadcast center with a cellular broadcast message. The method includes forwarding the cellular broadcast message to a cellular broadcast center to be broadcast to the subscribers within a defined area of the cell broadcast center. As with claims 12 and 18, claim 26 recites that broadcasting does not define the subscribers as part of a user group. Such patentably distinguishes from Mukherjee's SMS messaging to predefined user groups. The arguments in favor of patentability of claim 12 apply herein as well and the Applicant, therefore, respectfully requests reconsideration and allowance of claim 26.

Claims 27 - 31 depend from independent claim 26 and inherit all of the novel and nonobvious features of the independent claim. Accordingly, these claims are also novel and nonobvious in view of Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claims 27 - 31.

CONCLUSION

Based upon the foregoing, the Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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